



Order Filed on October 1, 2018
by Clerk, U.S. Bankruptcy
Court - District of New Jersey

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY
Caption in Compliance with D.N.J. LBR 9004-1(b)

In re:

JOSEPH T. and YVETTE L. GUARRACINO,

Debtors.

Case No. 14-30441 (SLM)

Chapter 7

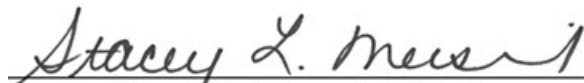
Judge Stacey L. Meisel

Hearing Date: September 19, 2018

**ORDER VACATING IN PART APRIL 26, 2018 ORDER
(DOCKET NO. 185) AND DENYING CROSS-MOTION**

The relief set forth on the following pages two (2) through three (3) is hereby **ORDERED**.

DATED: October 1, 2018


Honorable Stacey L. Meisel
United States Bankruptcy Judge

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Debtor: Joseph T. Guarracino and Yvette L. Guarracino
Case No.: 14-30441 (SLM)
Caption of Order: *Order Vacating in Part April 26, 2018 Order (ECF No. 185) and Denying Cross-Motion*

THIS MATTER having been brought on (1) the *Motion to Partially Vacate April 26, 2018 Order and for Sanctions* of Alliance Shippers, Inc. (“**Alliance**”) (ECF No. 195) and (2) the *Cross-Motion for a Determination that Alliance Shippers, Inc. Does Not Have Standing to Contest the Fee Application Filed by the Attorneys for the Trustee* (“**Cross-Motion**”) of Stephen P. Kartzman, the Chapter 7 Trustee (the “**Trustee**”) (ECF No. 196); and the Court having reviewed the submissions on this matter; and having heard the parties’ arguments; and for the reasons set forth on the record; and for good cause shown,

WHEREAS, the Court entered the *Order Resolving Claim 10 Filed by the State of New Jersey Division of Taxation, Claim 5 Filed by Alliance Shippers, Inc., and Providing for Distribution of the Proceeds of the Sale of 1999 International Refrigerated Box Truck*, dated April 26, 2018 (ECF No. 185) (the “**April 26, 2018 Order**”), which contained, among other things, the following sentence in paragraph 2: “Alliance Shippers shall have no further claim against property of the Ch 7 bankruptcy estate.” (the “**Contested Provision**”); and

WHEREAS, the Court finds that its entry of the April 26, 2018 Order with the Contested Provision was entered in error; and

WHEREAS, the Court finds that the Contested Provision should not have been included in the April 26, 2018 Order; **IT IS HEREBY**

ORDERED that, pursuant to Federal Rule Civil Procedure 60(b)(1), incorporated in this bankruptcy case by Federal Bankruptcy Rule 9024, and Federal Bankruptcy Rule 3008, the Contested Provision contained in the April 26, 2018 Order paragraph 2 is hereby vacated, and shall

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be deleted and stricken, and instead paragraph 2 shall state the following:

“The Trustee shall pay the sum of \$600 to Alliance Shippers, Inc. on account of its Secured Claim #5 against the 1999 International Refrigerated Box Truck owned by GFP.”

; and it is further

ORDERED, that all other terms and provisions of the April 26, 2018 Order remain in full force and effect; and it is further

ORDERED, the Cross-Motion is denied.